

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MICHAEL SNELLING, JR.,	:	
	:	
Plaintiff,	:	
VS.	:	
	:	NO. 5:17-CV-00260-MTT-CHW
Officer PETERSON,	:	
	:	
Defendant.	:	
_____	:	

ORDER

Pro se Plaintiff Michael Snelling, Jr., a prisoner most recently incarcerated at the Baldwin State Prison in Hardwick, Georgia, filed a pleading that was initially construed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 for an incident occurring at the Baldwin State Prison on June 25, 2017. Compl. 1, ECF No. 1. On October 5, 2017, Plaintiff was ordered to (1) either pay the Court's filing fee or file a motion for leave to proceed *in forma pauperis* and (2) recast his Complaint on the Court's standard form. Plaintiff was given twenty-one (21) days to comply and advised that failure to fully and timely comply with the Court's orders could result in dismissal of his Complaint. Order, Oct. 5, 2017, ECF No. 6.

The time for compliance with the October 5, 2017 Order passed without a response from Plaintiff. Accordingly, on December 12, 2017, Plaintiff was ordered to respond and show cause why his lawsuit should not be dismissed for failure to comply. Plaintiff was again given twenty-one (21) days to respond, and he was also again warned that failure to respond would result in the dismissal of his Complaint. Order, Dec. 12, 2017, ECF No. 7.

The time for compliance has again passed without a response from Plaintiff. Because Plaintiff has failed to pay the required filing fee, failed to comply with the Court's instructions and orders, and otherwise failed to diligently prosecute his claims, Plaintiff's Complaint shall be **DISMISSED without prejudice**. See Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

SO ORDERED, this 30th day of January, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT